



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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New License/Endorsement Opportunities Available for 2005

For 2005, seven new commercial fishing license/endorsement opportunities will be available. Five of these new opportunities are the same as those that have been available since 2003, when the new licensing program went into effect. They are:

- Commercial Fishing License (CFL) with:
 - (1) **Non-Restricted Finfish endorsement**, available to any resident or non-resident;
 - (2) **Non-Quahog Shellfish endorsement**, available to any resident;
 - (3) **Non-Lobster Crustacean endorsement**, available to any resident.
- **Student Shellfish License**, available to any resident who is a full-time student and 23 years of age or younger.
- **Over 65 Shellfish License**, available to any resident who is 65 years of age or older.

Two additional license/endorsement opportunities are being made available for 2005: 49 new **Quahog endorsements** on CFLs and 13 new **Restricted Finfish** endorsements on CFLs will be issued. The Quahog endorsement will allow the holder to harvest quahogs at the basic harvest level, which is a 3-bushel per day statewide limit, and a 1.5 bushel per day limit within all management areas. The Restricted Finfish endorsement will allow the holder to harvest the six restricted finfish species – scup, summer flounder, winter flounder, tautog, striped bass, and black sea bass – at the basic harvest level, which is one-half of the full harvest possession limits for those species.

Also, a new state law requires everyone applying for (any type of) new license from the State to first certify that they have filed all required state tax returns and paid all taxes due to the State, or entered into a written installment agreement with the Tax Administrator to pay delinquent state taxes. See the accompanying document entitled *New Taxation Certification Requirements* for more information.

Who may apply for the new Quahog and Restricted Finfish endorsements?

Any resident may apply for a new Quahog endorsement, and any resident or non-resident may apply for a new Restricted Finfish endorsement.

Who may not apply for the new Quahog and Restricted Finfish endorsements?

Holders of Multipurpose Licenses (MPLs) or Principal Effort Licenses (PELs) with Quahog endorsements may not apply for a new CFL with Quahog endorsement. Holders of MPLs or PELs with Restricted Finfish endorsements may not apply for a new CFL with Restricted Finfish endorsement.

Will priority be given to certain applicants?

Yes. In accordance with the licensing statute (RIGL 20-2.1) and the associated *Rules and Regulations Governing the Management of Marine Fisheries* (available online at www.ri.state.us/dem under “Topics” and “Marine Fisheries”):

1. First priority will be given to the following three classes of applicants:

- A. Residents who have held, and actively fished, CFLs with any other endorsement (i.e., non-restricted finfish, non-quahog shellfish, lobster, or non-lobster crustacean) over the past two years.

Note: to meet the standard of “actively fished,” an applicant must be able to demonstrate by dated transaction records that they have fished at least 75 days in the preceding two years, with at least 50 of those days in any one of the two years.

- B. Residents who have held, and actively fished, PELs (in any fishery other than the one for which the new endorsement is being sought) over the past two years.

Note: The same standard of “actively fished,” noted above, will apply.

- C. Residents who have actively participated, for at least two years, as a crew member in the same fishery for which the new endorsement is being sought.

Note: To meet the standard of “actively participated,” an applicant must be able to demonstrate via one or more affidavits that they have fished in the particular fishery with one or more licensed captains at least 75 days in the preceding two years, with at least 50 of those days in any one of the two years.

Also: Applicants seeking priority status as crew members will be ranked based on the length of time, in years, they have been actively participating as crew members.

2. Second priority will be given to residents who have actively participated, for at least two years, as a crew member in any fishery.

Note: The same standard of “actively participated” and the same ranking based on years of activity, noted above, will apply.

3. Third priority will be given to any resident.

4. Fourth priority -- in the issuance of the new Restricted Finfish endorsements -- will be given to any non-resident.

What will be the process for reviewing applications and determining who will obtain the new Quahog and Restricted Finfish endorsements?

- Anyone may apply for either or both of the new endorsements by submitting an application, along with any/all accompanying documentation relating to priority status, to DEM between January 1, 2005 and February 28, 2005. Any application received after February 28 will not be subject to consideration. See the accompanying document entitled *Guidance for Applicants Seeking New Quahog or Restricted Finfish Endorsements* for detailed guidance on qualifying for priority status and associated application requirements.
- Immediately following February 28, DEM will conduct an initial review of the applications to determine which applicants have submitted appropriate documentation establishing priority status in any of the classes described above.

Any applications accompanied by inadequate or improper documentation – e.g., insufficient number of transaction records, bogus transaction records, affidavits that have not been notarized, etc. – will not be considered in either of the first two priority categories. Moreover, fraudulent submittals may be referred to DEM's Office of Law Enforcement for further investigation and possible enforcement action. Fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder.

- For the 49 Quahog endorsements: 17 will be made available to priority class 1A (holders of CFLs who have been actively fishing their licenses); 16 will be made available to priority class 1B (holders of PELs who have been actively fishing their licenses); and 16 will be made available to priority class 1C (crew members who have been actively participating in the quahog fishery).
- For the 13 Restricted Finfish endorsements: 5 will be made available to priority class 1A (holders of CFLs who have been actively fishing their licenses); 4 will be made available to priority class 1B (holders of PELs who have been actively fishing their licenses); and 4 will be made available to priority class 1C (crew members who have been actively participating in the finfish fishery).
- Crew members who qualify for consideration under class 1C will be prioritized based on the length of time, in years, they have been actively participating in the fishery as a crew member.
- If, in any of the three classes, there are fewer eligible applicants than there are endorsements available for issue, the balance will be evenly distributed among the other two categories.
- If, in any of the three classes, there are more eligible applicants than there are endorsements available for issue, the endorsements will be issued by lottery, drawing upon all eligible applicants in that class.
- If, after completing the above-described first-tier process, there are still endorsements available, then the second tier of priority applicants – crew members who have been actively participating in any fishery – will be considered. Eligible applicants will be prioritized based on the length of time, in years, they have been actively participating in the fishery as a crew member. If necessary, a lottery will be used to select among an excess number of evenly matched applicants.
- If, after completing the above-described second-tier process, there are still endorsements available, then the third tier of applicants – residents (who do not qualify for priority status under tiers one or two) – will be considered. If there are more applicants than there are endorsements available for issue, the endorsements will be issued by lottery, drawing upon all applicants in this third-tier pool.
- If, after completing the above-described third-tier process, there are still Restricted Finfish endorsements available, then the fourth tier of applicants – non-residents – will be considered. If there are more applicants than there are endorsements available for issue, the endorsements will be issued by lottery, drawing upon all applicants in this fourth-tier pool.